IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.2856 of 2006

Shri Dilip Ragho Chaudhary — Petitioner
Vs.
The State of Maharashtra & ors. — Respondents

Mr.Shriram S. Kulkarni for petitioner.
Mr.C.R.Sonawane, AGP for State.

CORAM: B.H.MARLAPALLE & J.H.BHATIA,JJ.

November 16, 2006.

P.C.

. Heard Mr.Kulkarni, the learned counsel for the petitioner who had initially filed Original Application No.701 of 2002. A Division Bench of the Central Administrative Tribunal decided the said O.A. by its order dated 3/4/2003 by setting aside the impugned order dated 7/1/2002 so far as the applicant is concerned and the Competent Authority was directed to reconsider the issue of granting the benefit of G.R. dated 8/6/1995 to the petitioner. On remand the respondents passed a fresh order on 1/8/2003 by which he was informed that he was found to be unfit for granting the time bound promotion. The petitioner resorted to the twin action simultaneously in asmuchas Contempt Application No.31 of 2004 came to be filed in O.A. No.701 of 2002 alleging that the order passed by the Tribunal on 3/4/2003 was breached

deliberately and O.A. No.757 of 2003 was filed challenging the order dated 1/8/2003. The contempt application has been dismissed by the order dated 29/4/2004 by the Tribunal whereas O.A. No.757 of 2003 has been rejected on 20/1/2004.

. It is well settled position in law that the contempt applications moved under Section 17 of the Administrative Tribunals Act, 1985 are entertained by the Tribunal and the remedy of appeal against the order of the Tribunal is under Section 19 of the Contempt of Courts Act, 1971. A three-Judge Bench of the Apex Court in the case of T.Sudhakar Prasad vs. Govt. of A.P. & ors. **[(2001) 1 SCC 516]** clarified the position in law and held that in Section 19 of the Contempt of Courts Act, 1971 for the words "the High Court" the words "the Administrative Tribunal" will have to be substituted and thus the appeals arising from the orders passed by the Tribunal in contempt proceedings would be entertained only before the Supreme Court. We, therefore, cannot entertain the challenge to the order passed by the Tribunal on 29/4/2004 in Contempt Application No.31 of 2004.

. Consequently this petition fails and the same

is hereby rejected as not maintainable.

. For the sake of clarifications we state that rejection of this petition will not come in the way of the petitioner in challenging the order passed by the Tribunal in O.A.No.757 of 2003 on 20/1/2004 as may be permissible in law.

(J.H.BHATIA,J.) (B.H.MARLAPALLE,J.)